Hay Trade I/45

1945

File No

Legal Deptt

& BRANCH

Subject:— Rules and Notifications under

Barnsay Hay Trade Licencing Order 1944

5/45 E

File No. Hay Trade II/45

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Office of the R.L.A.

The intention may be better carried out by an amendment of the Order. A draft amendment for the purpose is sent herewith.

O.C. Sd/-
20/7/45

Remembrancer of Legal Affairs.

U.R. to F.D. (Supply), No. 5422, dated the 23rd July 1945.

4 c.
V.R.K.
12/7/56

MCL
26/7

ORDER

Finance Department (Supply), 1945.
Bombay Castle, 1945.

Defence of India Rules

No. In exercise of the powers conferred by sub-Rule (2) of rule 81 of the Defence of India Rules, the Government of Bombay is pleased to amend the Bombay Hay Trade Licensing Order, 1941, as follows:-

After clause 8 of the said Order, the following clause shall be inserted, namely :-

"8A(1). No holder of a hay dealer's license, a hay retailer's license or a hay commission agent's license shall sell hay received in any railway grass yard in the City of Bombay or ~~the Bombay or~~ the Bombay Suburban District at any place other than such yard.

(2) Every person holding any such license shall issue a cash memorandum or other memorandum relating to the sale of hay to every purchaser giving therein full and correct particulars of the quantity and quality of hay sold and the price at which the sale was made."

By order of the Governor of Bombay,

Secretary to Government.

4 c.
V.R.K.
12/7/56

Office of the R.L.A.

A revised draft order is sent herewith. The Milk Commissioner gave further oral instructions that the dealer on whom the proposed order will be served should be required to sell hay not to 'owners of cattle and horses' but specifically to the Bombay Grass Merchants' Association. As the sale is to be made to the Association the question raised in the last paragraph of the Milk Commissioner's note dated ~~28~~ 24-7-1945 at page 10 ante as to whether the licensee can be asked to consign the wagons in favour of a commission agent or in favour of an officer of Government does not arise. As regards rates it is not necessary that they should be mentioned in detail in the Order but provision for ascertaining them is sufficient.

2. ~~x~~ In the notice of the Order that will be served on the dealer an endorsement on the following ~~li~~ lines may be made, namely:-

(1) that the dealer when despatching hay by rail may consign it to himself or to the Grass Merchants' Association ~~i~~ as it suits his convenience.

(2) that Government will make necessary arrangements with the Railway Administration for the supply of wagons to the dealer.

(3), that the Association is willing to purchase hay from the dealer at the rates fixed by Government.

3. The F.D.(Supply) is requested to prepare the draft of the amendments which it considers should be made to the Bombay Hay Trade Licensing Order and then send it to the R.L.A. for scrutiny.

O.C. Sd/-
26/7/45

Remembrancer of Legal Affairs.

U.R. to the Milk Commissioner (Mr. Bhat), No. 5542, dated ~~25th~~ 27th July 1945.

4 c. V.R.K. 12/7/56

Office of the R.L.A.

Attention is invited to R.L.A.'s opinion No. 5542 dated 27th July 1945. The question which the Milk Commissioner desires to be considered on this file is whether any directions for the despatch of hay by rail to any particular railway stations and for the sale of hay to any particular association can be issued to a holder of a hay dealers' license under clause 4 of the License Form D appended to the Bombay Hay Trade ~~Licensing~~ Licensing Order, 1944. Clause 4 of the License Form D requires that the licensee shall comply with any directions that may be given to him from time to time by the licensing authority in regard inter alia to the sale and transport of hay. Under this clause it would be competent to issue directions as to the manner in which hay should be sold and transported. ~~OR TRANSPORTED~~. In other words the directions that can be issued under this clause will be regulatory in nature. They cannot fetter the licensee's discretion in not selling or transporting at all if the prescribed manner does not suit him. It is doubtful if a mandatory direction can be issued under this clause compelling him to despatch and sell hay to a particular person when he would rather not despatch and sell at all. In any case it would be safer to issue a separate Order under rule 81(2) of the Defence of India Rules on the lines of the draft order supplied with R.L.A.'s opinion No. 5542 dated the 27th July 1945 and not to take the risk of issuing a direction under clause 4 for this purpose.

O.C. Sd/- 30/7/45

Remembrancer of Legal Affairs.

U.R. to the Milk Commissioner (Mr. Bhat), No. 5638 ~~5888~~ dated 31-7-1945.

4 c.
V.R.K.
12/7/56

Office of the R.I.A.

A revised draft Order is sent herewith.

2. The word "hay" has been defined as including rice straw. It is presumed that the term "rice straw" is well understood in the mercantile community.

3. F.D. (Supply) draft clauses 4(1)(A) and 4(3)(A) require the applicant to state the quantity of hay despatched by him to the City of Bombay and the Bombay Suburban District during the current year. "Year" has been defined in the Order as commencing from 1st November and ending on 31st October following. Under the Order an application for renewal of a license has to be made on or before the 30th September of the previous year. It will not therefore be possible for the applicant to furnish information regarding the quantity of hay despatched by him during the whole of the year. The clause has therefore been amended so as to require the applicant to give information of the quantity of hay despatched by him upto and including 31st of August.

4. F.D. (Supply) should verify whether the notice of the Order suggested at the end is suitable.

O.C. Sd/-
7/9/45

Remembrancer of Legal Affairs.

U.R. to F.D. (Supply), No. 6637, dated 12-9-1945

4 c.
V.R.K.
12/7/56